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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/593,645	06/13/2000	Joseph A. Manico	81254F-P	7582

1333 7590 04/18/2005

PATENT LEGAL STAFF  
EASTMAN KODAK COMPANY  
343 STATE STREET  
ROCHESTER, NY 14650-2201

EXAMINER

HENDERSON, MARK T

ART UNIT	PAPER NUMBER
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3722

DATE MAILED: 04/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/593,645

Applicant(s)

MANICO ET AL.

Examiner

Mark T Henderson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9, 29-34 and 44-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 29-34, 44-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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## **DETAILED ACTION**

### **Faxing of Responses to Office Actions**

In order to reduce pendency and avoid potential delays, TC 3700 is encouraging FAXing of responses to Office Actions directly into the Group at (703)872-9302 (Official) and (703)872-9303 (for After Finals). This practice may be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify the examiner and art unit at the top of your cover sheet. Papers submitted via FAX into TC 3700 will be promptly forwarded to the examiner.

1. Claims 1, 29, 44, 45 and 47 have been amended for further examination.

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***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, 29, 44 and 45 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not understood what is meant by “back-to-back co-alignment manner”. Is applicant stating that the both support substrates are placed in back-to-back alignment and secured in any manner, or is applicant stating that both substrates are directly attached to one another by their back surfaces in a back-to-back alignment manner. Applicant must clarify.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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3. Claims 1, 2, 4-9, 29-33 and 44-47, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Applebaum et al in view of Robertson et al (6,293,592).

Applebaum et al discloses in Fig. 4-6 and in Attachment I, an image product comprising: a first continuous non-interrupted support substrate (34, and a first portion of attachment section (48a) of the hinge 48) having a separate image layer (ink layer which forms the picture); a second continuous non-interrupted support substrate (36, and a second portion or attachment section (48b) of the hinge 48) having a separate image layer (ink layer which forms the picture); the second continuous support substrate secured (by hinge) to the first support substrate to form a dual sided integral composite image product (30, as seen in Fig. 4 and 6, and in Col. 5, lines 25-28) in a back-to-back co-alignment manner (wherein the book is closed, both substrates are in a back-to-back co-alignment and secured to one another); said image product having a plurality hinge lines (G and G') about which the image product may be folded; wherein the substrates are made from a photographic media and paper; a cover (20, as seen in Fig. 4) for holding a hinge leaf (8), and an attaching member (which can be in the form of binding posts (rings), as stated in Col. 3, lines 50-55) to secure the leaf to the cover; and wherein the composite image product comprises a free standing product (Fig. 4). Applebaum further discloses that the print can further be made into numerous panels in which they are separated by a fold line (Col. 5, lines 55-65).

However, Applebaum et al does not disclose a fold line per se about which the integral composite may be folded.

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Robertson et al discloses in Fig. 3 and in Attachment II, a first substrate (168 and a first portion of hinge film (164a)), and a second substrate (172 and a second portion of hinge film (164b)), wherein the hinge between the substrates is a hinge/fold line (Col. 3, lines 40-49).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Applebaum et al's image product with a hinge having a fold line as taught by Robertson et al for the purpose of enabling the folding of the two substrates.

In regards to **Claim 1**, it would have been obvious to one having ordinary skill in the art at the time the invention was made to construct the first and second support substrate integrally, since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. Therefore, the first and second support substrates of the Applebaum reference are capable of being an integral substrate since the image on the face of the substrate is a continuous from one substrate to another.

In regards to **Claims 6 and 7**, it would have been obvious to one having ordinary skill in the art at the time the invention was made to construct the substrates and image layer in any desirable material, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. Therefore, it would have been obvious to construct the substrate in any material, since applicant has not disclosed the criticality of a having a particular material, and invention would function equally as well with any material.

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4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Applebaum et al in view of Robertson et al (6,293,592), and further in view of Douglas (5,815,964).

Applebaum et al as modified by Robertson et al discloses an image product comprising all the elements as claimed in Claims 1 and 2, and as set forth above. However, Applebaum et al and Robertson et al do not disclose wherein the image product allows for a Z-type fold.

Douglas discloses in Fig. 1 and 2, an image product (10) comprising a plurality of fold lines (14 and 16) for providing a Z-type fold in the image product.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Applebaum et al's and Robertson et al's image product to include a Z-type fold as taught by Douglas for the purpose of folding multiple panels in a compact position.

5. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Applebaum et al in view of Robertson et al and further in view Hansen.

Applebaum et al as modified by Robertson et al discloses an image product comprising all the elements as disclosed in Claims 29-33, and as set forth above. However, Applebaum et al does not disclose a scored line on the leaf with the opening allowing the leaf to be installed in a binding attachment.

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Hansen discloses in Fig. 1, an image product leaf (wherein the image product consist of the final product of the support substrate (10) and the image layer document (not shown) placed on the support substrate) having scored lines (11) with the opening.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Applebaum et al's and Robertson et al's image product leaf to include scored lines with the opening as taught by Hansen for the purpose of assisting with the removal of the leaf.

### ***Response to Arguments***

6. Applicant's arguments filed on February 24, 2004 have been fully considered but they are not persuasive.

In regards to applicant's remarks that the claims now "set forth how and where the support substrates are secured together", the examiner submits that the claim limitation does not fully clarify how they are being secured/attached together. The examiner submits that the claim limitation discloses how they are situated when the album is closed. Applebaum et al discloses separate image product substrates connected by a hinge as a means of folding wherein



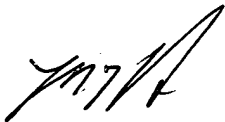
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support substrates are secured in a back-to-back co-alignment manner (wherein when the book is closed, both substrates are in a back-to-back co-alignment and secured to one another at hinge portion).

Therefore, the rejections have been maintained.

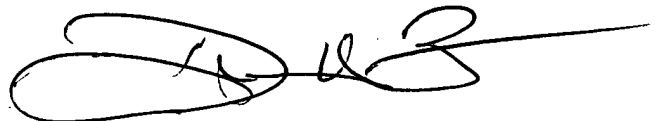
#### **Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark T. Henderson whose telephone number is (571)272-4477. The examiner can be reached on Monday - Friday from 7:30 AM to 3:45 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner supervisor, Derris Banks, can be reached on (571) 272-4419. The fax number for TC 3700 is (703)-872-9306.



MTH

April 6, 2005



**DERRIS H. BANKS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700**